



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yoshifumi IIDA et al.

Group Art Unit: 1753

Application No.: 09/987,413

Examiner: C. RoDee

Filed: November 14, 2001

Docket No.: 111115

For: TONER FOR DEVELOPING AN ELECTROSTATIC LATENT IMAGE,  
DEVELOPER, DEVELOPER UNIT, AND METHOD FOR FORMING AN IMAGE

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

In response to the July 16, 2003 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-7, 9-15, 18 and 19 are pending herein.

**I. Claim Rejections Under 35 U.S.C. §103(a)**

Claims 1, 2, 6, 7, 9-11 and 13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,985,327 (hereinafter "Sakashita") in view of U.S. Patent No. 4,956,258 (hereinafter "Watanabe") and further in view of U.S. Patent No. 4,855,204 (hereinafter "Fujii").

Further, claims 5 and 12 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sakashita in view of Watanabe, further in view of Fujii, and still further in view of *Handbook of Imaging Materials* to Diamond (hereinafter "Diamond"), pp. 179-181 and 222-224.

Finally, claims 14 and 15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sakashita in view of Watanabe, further in view of Fujii, and still further in view of U.S. Patent No. 5,994,015 (hereinafter "Vail").

Each of the foregoing rejections is respectfully traversed. Specifically, Applicants submit that Sakashita fails to teach or suggest the subject matter of independent claims 1 and 11, and that the presently claimed invention achieves results not expected from the combined teachings of the cited references so as to not be obvious to one of ordinary skill in the art.

Claims 1 and 11 both recite a toner for developing an electrostatic latent image comprising a white color toner particle containing at least a binder resin and a colorant, and a concentration of the colorant being 20 to 50% by weight with respect to the binder resin.

The Patent Office acknowledges that Sakashita does not disclose a white colorant or that the colorant is present in an amount of 20% to 50% by weight. However, the Patent Office alleges that such would have been obvious in view of Watanabe and Fujii.

Applicants herewith submit evidence of unexpected results with the use of the white toner. Specifically, Applicants herewith submit a Rule 132 Declaration to show that a white color toner of the present invention provides unexpected and superior results over the teachings of Sakashita.

In the Declaration, the white color toner of the present invention is compared with the cyan toner of Example 15 of Sakashita. Among the colorants used in the examples of Sakashita, the cyan toner of Example 15 contains the largest amount of colorant. Mainly, the toner of Example 15 in Sakashita includes 5 weight parts of cyan colorant to 100 weight parts of binder, or 4.8% colorant by weight with respect to the binder. Example 15 of Sakashita is similar to, but farther removed from the invention than, the white toner of comparative example toner B in the present specification that includes 15% by weight white toner.

The results of the comparative experiment in the Rule 132 Declaration clearly demonstrate that a white color toner of the present invention exhibits a good shielding property when it is used in a two-color constitution (e.g., with black toner) since super imposition of two colors (white and black) produces an enhanced effect. The toner taught by Sakashita, on the other hand, shows a poor shielding property when it is used in a two-color constitution, due to transmission of cyan. Such a poor shielding property due to transmission of cyan is likely attributable to the low concentration of the colorant in this toner.

Thus, as is clear from the showing in the 132 Declaration and the foregoing discussion, the white color toner of the present invention provides an unexpected and superior effect as compared to the toner of Sakashita.

Thus, the white toner, as recited in claims 1 and 11, has superior and unexpected properties (i.e., shielding property) as compared to the toner of Sakashita.

Nothing in Watanabe, Fujii, Diamond or Vail remedies the deficiencies of Sakashita as discussed above. More specifically, nothing in these cited references, alone or in combination, teaches or suggests the unexpected properties associated with the white toner of the present invention. One of ordinary skill in the art thus would not have found the invention obvious from the teachings of the references cited in the Office Action.

For at least the foregoing reasons, Applicants submit that Sakashita, Watanabe, Fujii, Diamond and Vail, alone or in combination, would not have led one of ordinary skill in the art to the invention of claims 1 and 11 or of depending claims 2-7, 9, 10, 12-15, 18 and 19.


Reconsideration and withdrawal of the rejections are thus respectfully requested.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7, 9-15, 18 and 19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Rule 132 Declaration

Date: November 17, 2003

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